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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/293,011	04/16/1999	YVETTE MARIE GORDON	07442009001	4298
42532	7590	09/08/2006	EXAMINER	
PROSKAUER ROSE LLP ONE INTERNATIONAL PLACE 14TH FL BOSTON, MA 02110			BUI, KIEU OANH T	
			ART UNIT	PAPER NUMBER
			2623	
DATE MAILED: 09/08/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/293,011

Applicant(s)

GORDON ET AL.

Examiner

KIEU-OANH T. BUI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 128-173 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 128-173 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remark

1. Claims 1-127 have been previously cancelled, and claims 128-173 are for reconsideration.

Claim Rejections - 35 USC 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

3. Claims 128-173 are rejected under 35 U.S.C. 102(e) as being anticipated by Burns et al. (U.S. Patent No. 5,991,306).

Regarding claims 128, 151 and 173, Burns discloses a system and method for managing distribution of viewable data objects over a network. In particular, Burns discloses a plurality of local servers 72 and 4 (see fig 2); and Burns further discloses that each of the local servers 72 and 74 stores viewable data objects, i.e. web pages and are in communication with a plurality of viewer receivers (met by subscriber PC (see fig 2). Burns further discloses a plurality of storage servers (see content server 52 in fig 2, col 5 lines 64-67). Each storage server being configured to store a set of viewable data objects that includes the selection of viewable data objects (see col. 5/line 64 — col. 6/line 65). Burns further discloses a policy manager 128 (Fig.

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4 and col. 10/lines 48-58) working as a content manager in communication with the storage servers and with the local servers, nothing that a manager must inherently be included to pre-cache and store content frequently used (see col. 7/lines 30 – 40 and col. 8/lines 23 – 40). It is noted that the content pre-cached or the available bandwidth associated with the selected servers based on content anticipation of expected demand for the selectable viewable data objects and that the servers are selected from the group consisting of local servers and storage servers (see col. 5/line 64 – col. 6/line 65).

Regarding claims 129-130, Burns discloses moving the content from a first content server to a second local server as discussed above and thus discloses the claimed limitation.

As for claim 131, Burns teaches to include the meta-data, which includes information about the viewable data object (refer to col. 5/lines 5-17).

As for claims 132 and 148, Burn further suggests the cost and the revenue associated with viewing a viewable object since “the subscriber” (the one who subscribes to the local service provider in exchange for a service, which is on-demand video and audio delivering service for viewing in this case) would need to pay for a fee or charge if requesting for “on demand caching” service (refer to col. 3/line 63 to col. 4/line 13 & col. 4/line 57 to col. 5/line 4).

As for claims 133-135, Burns suggests these features on controlling the delivery of service, whether it is available, unavailable or restricted based on the subscription and scheduling of service, and the policy manager handles all of these functions also due to the viewer’s preferences (col. 10/line 48 to col. 11/line 31).

As for claims 136-138, Burns further teaches these features as noted above in claims 133-135 for changing the state data associated with a viewable object whether to store on a server, instruction to change the state, and a schedule as well as to switch between an active state to inactive state wherein the viewable object is unavailable for viewing (col. 10/line 48 to col. 11/line 31).

As for claim 139, this feature also taught as Burns teaches whether a copy is unavailable and/or has been deleted from the memory, and with an indication of delay on how long the content would be updated for viewing (col. 10/lines 48-65).

As for claim 140, Burns further discloses a policy manager 128 (Fig. 4 and col. 10/lines 48-58) working as a content manager in communication with the storage servers and with the local servers, noting that a manager must inherently be included to pre-cache and store content frequently used (see col. 7/lines 30 – 40 and col. 8/lines 23 – 40).

Regarding claims 141 and 147, Burns discloses assigning priority of which web-pages are pre-cached to what local server based on location and demographics (see col. 10/lines 23 – 36) and thus discloses the claimed limitation.

Regarding claim 142, Burns discloses the broadly claimed limitation. In particular, Burns discloses transferring and pre-caching frequently requested content and thus discloses tagging and pre-caching the most frequently requested content, i.e. the most frequently requested content meets the claimed 'logical grouping as a single unit' limitation.

Regarding claim 143, Burns discloses the local service provider can adapt to the changing patterns of the clientele with regards to what data objects are pre-cached (see col 10 lines 37 -41). Thus Burns discloses dynamically updating access to the viewable data object

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in response to an event i.e. adapting files pre-cached at the local service provider as a result of changing patterns of client selections, thus the event is detecting higher requests of a particular data object over another as a result of more client requests.

Regarding claim 144, Burns discloses pre-caching frequently requested content which would inherently meet the limitation of altering the content pre-cached based on the content which actually most frequently requested.

Regarding claim 145, Burns discloses the local service provider can adapt to the often changing patterns of its client with respect to what object are pre-cached, and thus discloses the content manager is configured to selectively alter the property on the basis of the state of the viewable data objects, i.e. based on changing request patterns, the web-pages pre-cached at the local ISP can be altered based on priority due to usage patterns (see col 10 lines 23 – 41).

Regarding claim 146, Burns discloses pre-caching files that the content manager anticipates a user will request and thus discloses the claimed wherein the property comprises anticipated popularity of the viewable data object (see col. 9/lines 11 – 35, and col. 10/lines 10 – 47).

Regarding claim 149, Burns discloses distributing web-pages and thus discloses the claimed distributed processing system (col 5 lines 64– col 6 lines 65).

As for claim 150, please refer to Fig. 2 for a storage server 78 or 82.

As for claims 152-172, these claims with same limitations addressed earlier are rejected for the reasons given in the scope of claims 129-150 as discussed in details above.

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Conclusion

4. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Division or Art Unit 2623.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal line extending from the end of the signature.

Kieu-Oanh Bui
Primary Examiner
Art Unit 2623

KB
July 31, 2006